

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

<div>SECURITIES INVESTOR PROTECTION CORPORATION,</div> <div>Plaintiff,</div> <div>v.</div> <div>BERNARD L. MADOFF INVESTMENT SECURITIES, LLC,</div> <div>Defendant.</div>	Adv. Pro. No. 08-01789 (SMB)  SIPA Liquidation  (Substantively Consolidated)
<div>In re:</div> <div>BERNARD L. MADOFF INVESTMENT SECURITIES LLC,</div> <div>Debtor.</div>	
<div>IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff,</div> <div>Plaintiff,</div> <div>v.</div> <div>DAVID R. MARKIN, individually and as trustee of the David Markin Charitable Remainder Unitrust #1, DAVID MARKIN CHARITABLE REMAINDER UNITRUST #1,</div> <div>Defendants.</div>	Adv. Pro. No. 10-05224 (SMB)

**[PROPOSED] ORDER GRANTING TRUSTEE’S CROSS-MOTION FOR LEAVE TO  
FILE A SECOND AMENDED COMPLAINT AND TO SUBSTITUTE DEFENDANTS**

Upon consideration of the Trustee’s Cross-Motion for Leave to File a Second Amended Complaint and to Substitute Defendants, and the Memorandum of Law in Support thereof (the “Motion”) (ECF No. \_\_\_\_\_), dated October 18, 2017, filed by Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.* and the chapter 7 estate of Bernard L. Madoff, and it appearing that due and proper notice of the Motion and the relief requested therein have been given; and no other or further notice needs to be given;

and the Court having reviewed the Motion, the Declaration of Tatiana Markel, dated October 18, 2017, the objection to the Motion, and the record in this case; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for relief granted herein, and after due deliberation and sufficient cause appearing therefor, IT IS HEREBY:

**ORDERED** that the Trustee is granted leave to file his Second Amended Complaint; and it is further

**ORDERED** that David R. Markin is hereby substituted in this action by the Estate of David R. Markin, and Mitchell D. Schepps, as the personal representative of the Estate of David R. Markin; and it is further

**ORDERED** that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: New York, New York  
\_\_\_\_\_, 2017

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HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE